

**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Monday, August 15, 2016**

OPEN SESSION

**(All times are approximate and subject to change.)
http://www.cdcr.ca.gov/BOPH/meeting_agenda.html**

1515 K Street
Executive Board Meeting Room
Suite 550
Sacramento, California 95814

START TIME: 1:00 p.m.

AGENDA

MEETING CALLED TO ORDER

1. Roll Call

CONSENT CALENDAR

2. Approval of the Draft Minutes from the July 18-19, 2016 Board of Parole Hearings Executive Board Meeting.
3. Approval of the Parole Suitability Hearings and Backlog Report for August 2016.
4. Approval of Motions for Hearings with Procedural Errors – No motions to consider.
5. Public Comment on Consent Calendar – Comments are limited to five minutes. Items on the consent calendar are considered routine and non-controversial. All matters are approved by one motion unless a Board Member requests separate action.

REPORTS AND PRESENTATIONS

6. Report from Executive Officer
 - Three Judge Court Monthly Status Report
7. Report from Chief Counsel
 - *In re Butler* Update
8. Report from Chief Deputy of Program Operations
 - Board's Information Technology System (BITS) Update
 - Inmate Panel Attorney Orientation

September 12, 2016 (Northern California – Sacramento)
September 26, 2016 (Southern California – Diamond Bar)

For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinators at (916) 445-6631 or (916) 323-7997, at least five (5) working days prior to the scheduled meeting. All persons and property entering into this facility may be subject to search. No unauthorized weapons are allowed pursuant to Penal Code Section 171b.

9. Report from Chief Deputy of Field Operations

- Mentally Disordered Offenders (MDO) Independent Evaluator Orientation

September 13, 2016 (Northern California – Sacramento)

September 20, 2016 (Central California – Atascadero)

September 27, 2016 (Southern California – Diamond Bar)

10. Report from Chief Psychologist, Forensic Assessment Division

- Risk Assessment Workload Update

11. Report from Chief Administrator, Offender Investigations and Screening Division

- International Prisoner Transfer Treaty Program Update, presented by Steve Hay, Parole Agent III

DISCUSSION ITEMS

12. a) Regulations Regarding the Forensic Assessment Division, presented by Heather McCray, Senior Staff Attorney
b) Board Questions and Comments
c) Public Comments
d) Motion and Votes

OPEN COMMENTS

13. BPH Commissioners – Agenda Items for Future Meetings

14. Public Comment – Comments are limited to five minutes. The public may comment on any item related to Board business. However, the Board will not consider comments about future parole hearings. Those comments should be sent to the prison where the inmate is housed so that they can be considered by the panel assigned to the case.

MEETING RECESSED TO TUESDAY, AUGUST 16, 2016

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**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Monday, August 15, 2016**

CLOSED SESSION

(All times are approximate and subject to change.)

1515 K Street
Executive Board Conference Room
Sacramento, California 95814

START TIME: 1:30 p.m.

DISCUSSION

Overview of Pending Litigation and Writs of Habeas Corpus

Pursuant to Government Code section 11126(e)(1)

(Nothing in this article shall be construed to prevent a state body, based on the advice of its legal counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation.)

Issues

1. *In re Butler*, Case No A139411 (Cal.1st App. Dist.), presented by Jennifer Shaffer, Executive Officer, and Jennifer Neill, Chief Counsel
2. *Armstrong v. Brown* (N.D. Cal., Case No. C-94-2307-CW)(pending), presented by Jennifer Shaffer, Executive Officer, and Jennifer Neill, Chief Counsel
3. *Coleman/Plata v. Brown* (E.D. Cal., Case No. 2:90-CV-0520 LKK JFRM P and N.D. Cal., Case No. C01-1351 THE)(pending), presented by Jennifer Shaffer, Executive Officer, and Jennifer Neill, Chief Counsel
4. *Gilman v. Brown* (9th Cir. Feb. 22, 2016, Nos. 14-15613, 14-15680) ___ F.3d ___ [2016 U.S. App. LEXIS 3035]), presented by Jennifer Shaffer, Executive Officer, and Jennifer Neill, Chief Counsel

Overview of Facts and Circumstances with Significant Exposure to Litigation

Pursuant to Government Code section 11126(e)(2)(B)(i)

(For purposes of this subdivision, litigation shall be considered pending when any of the following circumstances exist: A point has been reached where, in the opinion of the state body on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the state body.)

Issue

1. Handling Confidential Information and Investigations, presented by Jennifer Shaffer, Executive Officer, and Jennifer Neill, Chief Counsel

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**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Tuesday, August 16, 2016**

CLOSED SESSION

(All times are approximate and subject to change.)

1515 K Street
Executive Board Conference Room
Sacramento, California 95814

START TIME: 9:00 a.m.

DISCUSSION

Overview of Pending Litigation and Writs of Habeas Corpus

Pursuant to Government Code section 11126(e)(1)

(Nothing in this article shall be construed to prevent a state body, based on the advice of its legal counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation.)

Issue

1. *Johnson v. Shaffer* (E.D. Cal., Case No. 2:12-CV-01059 GGH P)(pending), presented by Jennifer Shaffer, Executive Officer, and Jennifer Neill, Chief Counsel

Overview of Facts and Circumstances with Significant Exposure to Litigation

Pursuant to Government Code section 11126(e)(2)(B)(i)

(For purposes of this subdivision, litigation shall be considered pending when any of the following circumstances exist: A point has been reached where, in the opinion of the state body on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the state body.)

Issue

1. Applying the Legal Standard for Postponement of Hearings, presented by Jennifer Shaffer, Executive Officer, and Jennifer Neill, Chief Counsel

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**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Tuesday, August 16, 2016**

OPEN SESSION

(All times are approximate and subject to change.)

1515 K Street
Executive Board Meeting Room
Suite 550
Sacramento, California 95814

START TIME: 10:00 a.m.

AGENDA

MEETING RECONVENED (Continued from August 15, 2016)

15. Roll Call

EN BANC REFERRALS

16. Referral pursuant to Penal Code section 1170(e) to determine eligibility for recommendation to sentencing court for recall of sentence. Members of the public may address the Board for a period not to exceed five (5) minutes.

A. BREWER, RONALD P-71205
Sentencing Court:
Los Angeles

B. LEEVERS, THOMAS P-19122
Sentencing Court:
Riverside

17. Referral by the Chief Counsel pursuant to Penal Code section 3041(b) and California Code of Regulations, title 15, section 2042 to assure complete, accurate, consistent and uniform decisions and the furtherance of public safety. Members of the public may address the Board for a period not to exceed five (5) minutes.

C. SIERRAS, JOSE C-83570
Sentencing Court:
Contra Costa
To consider whether the proposed decision complies with *In re Lawrence* (2008) 44 Cal.4th 1181 and the Amended *Armstrong II* Remedial Plan

18. Referral to consider for a rescission hearing pursuant to California Code of Regulations, title 15, section 2450 et seq. Members of the public may address the Board for a period not to exceed five (5) minutes.

D. CLAYTON, LANIER K-46097
Sentencing Court:
Los Angeles
To consider new information regarding the institutional misconduct on April 10, April 16, April 17, April 18, April 30, May 2, May 21, May 22, May 29, and June 5, 2016

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19. Referral by the Governor pursuant to Penal Code section 3041.1 and California Code of Regulations, title 15, section 2044(b) to request review of a parole decision by the full board. Members of the public may address the Board for a period not to exceed five (5) minutes.

E. SAENZ, MARIO **E-37155**
Sentencing Court:
Los Angeles

20. Referral pursuant to Penal Code section 3041 to either grant or deny parole when there is a tie vote. Public comment is prohibited pursuant to Penal Code section 3041(e).

F. MENDOZA, RAMON **P-79750**
Sentencing Court:
Los Angeles

G. NAVA, ABDON **D-15626**
Sentencing Court:
Los Angeles

OPEN COMMENTS

21. Public Comment – Comments are limited to five minutes. The public may comment on any item related to Board business. However, the Board will not consider comments about future parole hearings. Those comments should be sent to the prison where the inmate is housed so that they can be considered by the panel assigned to the case.

The decisions in the above hearings will be posted as soon as they are finalized in the lobby on the ground floor of 1515 K Street. They will also be posted within 24 hours on the BPH internet page at the following address: www.cdcr.ca.gov/BOPH/enbanc.html.

CLOSED SESSION – EN BANC REFERRALS

Pursuant to Government Code section 11126(c)(4)

("...[N]or shall anything in this article be construed to prevent a state body from holding a closed session when considering and acting upon the determination of a term, parole, or release of any individual or other disposition of an individual case, or if public disclosure of the subjects under discussion nor consideration is expressly prohibited by statute.")

ADJOURNMENT

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